

1 HOUSE JOINT RESOLUTION NO. 32

2 INTRODUCED BY SESSO, GILLAN, SINRUD, GROESBECK, BRANAE, GALLUS, HAMILTON, HINER,
3 MENDENHALL, FUREY, JOPEK, KEANE, VILLA, NOONAN, LINDEEN, GALLIK, DRISCOLL, GOLIE,
4 WILSON, ROBERTS, LARSON

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6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
7 MONTANA REQUESTING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REVIEW
8 ITS RULES GOVERNING SUBMISSION OF PROVIDER CLAIMS, POSTPAYMENT AUDITS, AND
9 RECOUPMENT OF OVERPAYMENTS AND AMEND THOSE RULES, IF NECESSARY, IN ORDER TO GIVE
10 PREDICTABILITY AND FINALITY TO THE MEDICAID PAYMENT PROCESS FOR CERTAIN PROVIDERS.

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12 WHEREAS, the Department of Public Health and Human Services administers the Montana Medicaid
13 program in conjunction with the federal government; and

14 WHEREAS, durable medical equipment providers (providers) deliver prosthetics and other medical
15 equipment to Medicaid recipients; and

16 WHEREAS, the providers submit invoices to the Department for payment, and the Department
17 reimburses the providers with state and federal money; and

18 WHEREAS, the Department reimburses providers within 30 days of receiving a "clean" claim, or as
19 quickly as possible, to comply with its own rules and federal regulations; and

20 WHEREAS, the Department conducts postpayment audits of provider claims to be sure that all
21 supporting documentation is in compliance with state rules and federal regulations; and

22 WHEREAS, situations sometimes arise in which audits reveal errors in a claim that has already been
23 paid, consisting of errors in the documentation supporting a claim, for which the Department then seeks
24 repayment from the provider because of the error; and

25 WHEREAS, the provider is responsible for the error, even if the error was on the part of the Department
26 in paying the claim in the first place; and

27 WHEREAS, sometimes the repayment sought by the Department from the provider is beyond the ability
28 of the provider to repay because of the provider's cash flow situation.

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30 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF

1 THE STATE OF MONTANA:

2 That the Department of Public Health and Human Services review its administrative rules and
3 procedures, for possible revisions to those rules and procedures, in order to address the issue of overpayments
4 associated with Department or provider errors, made in the process of paying claims, that are discovered in the
5 audit process, in order to give greater certainty and predictability to providers in the payment process.

6 BE IT FURTHER RESOLVED, THAT THE DEPARTMENT BE REQUESTED TO REPORT ITS FINDINGS AND ANY
7 INTENDED CHANGES TO ADMINISTRATIVE RULES AND PROCEDURES TO THE CHILDREN, FAMILIES, HEALTH, AND HUMAN
8 SERVICES INTERIM COMMITTEE.

9 BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Governor and to the Director
10 of the Department of Public Health and Human Services.

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